

AMENDED IN ASSEMBLY JUNE 24, 2004

AMENDED IN ASSEMBLY JUNE 15, 2004

AMENDED IN SENATE APRIL 30, 2003

AMENDED IN SENATE APRIL 10, 2003

SENATE BILL

No. 855

Introduced by Senator Machado

February 21, 2003

An act to add Sections 1516 and 1526.8 to, the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 855, as amended, Machado. Community care facilities: ~~temporary emergency shelters~~ *crisis nurseries*.

Existing law provides for the licensure and regulation by the State Department of Social Services of community care facilities, including facilities that provide care for children. Violation of the provisions relating to community care facilities is a misdemeanor.

This bill would include a ~~temporary emergency shelter~~ *crisis nursery* within the definition of a community care facility. The bill would define a ~~temporary emergency shelter~~ *crisis nursery* as a facility ~~that provides~~ *providing* short-term, 24-hour nonmedical residential care and supervision for children under 6 years of age, who are placed for temporary emergency care due to a crisis or a stressful situation for stays up to 30 days.

This bill would provide that exceptions to group home licensing requirements for county operated or county contracted emergency shelter care facilities shall apply also to ~~temporary emergency shelters~~.

crisis nurseries and would require the department to grant waivers for the use of volunteers and ~~allowing to allow~~ modified staffing levels in ~~temporary emergency shelters~~ *crisis nurseries*. Because it would change the definition of a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds that there exists a
2 class of residential care facilities outside of the traditional
3 spectrum of community care facilities, that provide temporary
4 emergency shelter for children of families in crisis, help parents
5 address issues that lead them to seek assistance, and dedicate
6 themselves to preventing the occurrence of child abuse in these
7 families. By providing an option for voluntary,
8 non-state-mediated placement, and by providing supportive
9 services to families in need, these ~~temporary emergency shelters~~
10 *crisis nurseries* serve to prevent the need for more serious
11 intervention in the form of child protective services or the foster
12 care system.

13 (b) The Legislature further finds that ~~temporary emergency~~
14 ~~shelter~~ *crisis nurseries* provide a service currently undefined by
15 existing law, and that it is the intent of the Legislature in enacting
16 this act to develop policies to ensure that these facilities may
17 successfully carry out their mission of child abuse prevention,
18 while ensuring the quality care and safety of the children under
19 their responsibility.

20 SEC. 2. Section 1516 is added to the Health and Safety Code,
21 to read:

22 1516. For purposes of this chapter:

23 (a) “Community care facility,” pursuant to Section 1502,
24 includes a ~~temporary emergency shelter~~ *crisis nursery*.

1 ~~(b) “Temporary emergency shelter” means the provision of~~

2 (b) “*Crisis nursery*” means a facility providing short-term,
3 24-hour nonmedical residential care and supervision for children
4 under six years of age, who are placed for temporary emergency
5 care due to a crisis or a stressful situation, for up to 30 days.

6 ~~SEC. 2.—~~

7 SEC. 3. Section 1526.8 is added to the Health and Safety
8 Code, to read:

9 1526.8. (a) Exceptions to group home licensing
10 requirements for county operated or county contracted emergency
11 shelter care facilities that care for children under the age of six
12 years for no more than 30 days shall also apply to ~~temporary~~
13 ~~emergency shelters~~ *crisis nurseries* for children under the age of
14 six years.

15 (b) The department shall grant waivers allowing the use of
16 volunteers as primary caregivers in a ~~temporary emergency shelter~~
17 *crisis nursery* for children under the age of six years, subject to
18 appropriate supervision and training requirements.

19 (c) The department shall grant waivers allowing the use of
20 modified staffing levels and requirements in a ~~temporary~~
21 ~~emergency shelter~~ *crisis nursery* for children under the age of six
22 years, provided that appropriate care and supervision of children
23 is maintained.

24 ~~SEC. 3.—~~

25 SEC. 4. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.